

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

STACEY BERNARD MARTIN,

*Plaintiff,*

v.

Case No. 5:24-CV-00647-JKP

THE CITY OF LAS VEGAS, CITY  
HALL; JUDGE LINDA MARQUIS, DA-  
LIA MARINA-HUNT, LEGAL AID  
CENTER OF SOUTHERN NEVADA,  
INC.; LEGAL AID CENTER OF  
SOUTHERN NEVADA, INC., ATTOR-  
NEY CAMERON BROWN, FORD  
FRIEDMAN LAW FIRM; ATTORNEY  
CHRISTOPHER P. FORD, FORD  
FRIEDMAN LAW FIRM; ATTORNEY  
TONY T. SMITH, FORD FRIEDMAN  
LAW FIRM; KIMBERLY B. HOUSE;  
KASSANDRA LEVAY, CHILD ADVO-  
CACY; TONJA MICHELLE OCHONMA,  
CHARLES OCHONMA, JUDGE CHRIS-  
TINA VASQUEZ HORTICK, JUDGE  
ROSIE ALVARADO,

*Defendants.*

**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is United States Magistrate Judge Henry J. Bemporad's Report and Recommendation recommending dismissal without prejudice of Plaintiff Stacey Bernard Martin's ("Martin") causes of action as to Defendants (1) The City of Las Vegas, City Hall; (2) Attorney Cameron Brown, Ford Friedman Law Firm; (3) Attorney Christopher P. Ford, Ford Friedman Law Firm; (4) Attorney Tony T. Smith, Ford Friedman Law Firm; (5) Kimberly B. House; (6) Kassandra Levay, Child Advocacy; (7) Tonja Michelle Ochonma; and (8) Charles

Ochonma for failure to effect timely service. *ECF No. 45*. No party filed any objection to the Magistrate Judge's Report and Recommendation, and the time for doing so expired.

Any party who seeks review of all or a portion of a Magistrate Judge's Report and Recommendation must serve and file specific written objections within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). If a party does not timely object to all or a portion of a Magistrate Judge's Report and Recommendation, the District Court will review the unobjected-to proposed findings and recommendations to determine whether they are clearly erroneous or contrary to law. *Johnson v. Sw. Research Inst.*, 210 F. Supp.3d 863, 864 (W.D. Tex. 2016) (citing *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.) (per curiam), *cert. denied*, 492 U.S. 918 (1989)).<sup>1</sup>

Consistent with § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2), the Court reviewed the subject Report and Recommendation entered by Magistrate Judge Henry J. Bemporad for clear error on the face of the record. This Court finds no such error as to Defendants (1) The City of Las Vegas, City Hall; (2) Attorney Cameron Brown, Ford Friedman Law Firm; (3) Attorney Christopher P. Ford, Ford Friedman Law Firm; (4) Attorney Tony T. Smith, Ford Friedman Law Firm; (5) Kimberly B. House; (6) Kassandra Levay, Child Advocacy; (7) Tonja Michelle Ochonma; and (8) Charles Ochonma.

The Court notes Martin attaches proof of service on Defendants Tonja Michelle Ochonma and Charles Ochonma ("the Ochonmas") to his Motion for Default Judgment, filed No-

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<sup>1</sup> While Federal Rule 72(b) does not facially require any review in the absence of a specific objection, the advisory committee notes following its adoption in 1983 state: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Further, failure to object shall also bar appellate review of those portions of the Magistrate Judge's Report and Recommendation that were ultimately accepted by the district court, unless the party demonstrates plain error. *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d at 1221.

vember 18, 2024. *ECF No. 35*. This, however, is beyond the extended deadline Judge Bemporad allowed Martin to provide proof of service. *See ECF Nos. 24, 34, 45*.

The Court further notes Martin asserts causes of action against the Ochonmas for violation of 42 U.S.C. § 1983 and 18 U.S.C. §§ 241, 242. “The Supreme Court has explained that ‘[t]o state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that *the alleged deprivation was committed by a person acting under color of state law.*’” *Gomez v. Galman*, 18 F.4th 769, 775 (5th Cir. 2021) (quoting *West v. Atkins*, 487 U.S. 42, 48 (1988)). There are no allegations in Plaintiff’s First Amended Complaint of action taken under color of law by the Ochonmas. *See ECF No. 10*. In addition, U.S. Code Title 18, Sections 241 and 242 are criminal statutes that do not provide civil remedies. 18 U.S.C. §§ 241, 242; *see also Robinson v. Overseas Military Sales Corp.*, 21 F.3d 502, 511 (2d Cir. 1994); *Hanna v. Home Ins. Co.*, 281 F.2d 298, 303 (5th Cir. 1960).

Accordingly, the Court ACCEPTS Magistrate Judge Henry J. Bemporad’s findings and recommendation as to Defendants (1) The City of Las Vegas, City Hall; (2) Attorney Cameron Brown, Ford Friedman Law Firm; (3) Attorney Christopher P. Ford, Ford Friedman Law Firm; (4) Attorney Tony T. Smith, Ford Friedman Law Firm; (5) Kimberly B. House; (6) Kassandra Levay, Child Advocacy; (7) Tonja Michelle Ochonma; and (8) Charles Ochonma. *ECF No. 45*.

As recommended, Martin’s causes of action as to Defendants (1) The City of Las Vegas, City Hall; (2) Attorney Cameron Brown, Ford Friedman Law Firm; (3) Attorney Christopher P. Ford, Ford Friedman Law Firm; (4) Attorney Tony T. Smith, Ford Friedman Law Firm; (5) Kimberly B. House; (6) Kassandra Levay, Child Advocacy; (7) Tonja Michelle Ochonma; and

(8) Charles Ochonma are **DISMISSED WITHOUT PREJUDICE** for failure to effect timely service.

All other motions pending in this action are **DISMISSED AS MOOT**.

As a result of this Order no defendants remain. However, because Martin filed a series of pending interlocutory appeals, (*ECF Nos. 56, 57*), the Court will not direct the Clerk of Court to terminate this action at this time.

To facilitate timely receipt of this Order, the Clerk of Court is further **DIRECTED** to email a copy of this Order to Martin at:


1) staceybmartin1970@gmail.com

The Clerk of Court is further **DIRECTED** to mail, via certified mail with return receipt requested, a copy of this Order to:

1) Stacey Bernard Martin, 119 Dobbs, San Antonio, Texas 78237

It is so ORDERED.

SIGNED this 9th day of May, 2025.



JASON PULLIAM  
UNITED STATES DISTRICT JUDGE